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ATTORNEY FOR APPELLANT:

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**IN THE  
COURT OF APPEALS OF INDIANA**

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S.J.,	)	
	)	
Appellant-Respondent,	)	
	)	
vs.	)	No. 67A01-0703-JV-135
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Petitioner.	)	

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APPEAL FROM THE PUTNAM CIRCUIT COURT  
The Honorable Matthew Headley, Judge  
Cause No. 67C01-0608-JD-86

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**May 31, 2007**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**BAKER, Chief Judge**

Appellant-respondent S.J. appeals the trial court's true finding that he committed an act that would have been Impersonating a Public Servant,<sup>1</sup> a class D felony, had it been committed by an adult. S.J. argues that the evidence presented at the delinquency hearing was insufficient to support the true finding. Finding that the evidence was sufficient, we affirm the judgment of the juvenile court.

### FACTS

During the evening of July 8, 2006, Bainbridge Police Officer Mike Mahoy observed a green Cadillac driving through Greencastle with alternating flashing headlights and a revolving red light. Officer Mahoy observed another vehicle pull to the side of the road to let the Cadillac pass. Although he was off-duty, Officer Mahoy called dispatch to report the incident because he knew that Putnam County "didn't have a green Cadillac" on its force. Tr. p. 5. Dispatch confirmed that there were no officers in the area, sent county units to the scene, and Officer Mahoy continued on his way. The Cadillac was not seen again that evening.

On July 14, 2006, Officer Mahoy observed S.J. driving a green Cadillac and immediately recognized the Cadillac as the same vehicle he had seen the week before. Officer Mahoy began to follow S.J. and observed an inactivated revolving red light on the back dash of the vehicle. Officer Mahoy stopped the vehicle and found a police scanner, headlight flasher, and revolving red light inside the Cadillac.

On August 10, 2006, the State filed a petition alleging that S.J. had committed

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<sup>1</sup> Ind. Code § 35-44-2-3.

delinquent acts that would have been class D felony impersonating a public servant and class B misdemeanor unlawful use of a police radio had they been committed by an adult. A hearing was held on November 6, 2006, and the trial court found S.J. delinquent on the impersonating a public servant allegation but found that the State had failed to meet its burden of proof with regard to the unlawful use of a police radio allegation. On December 18, 2006, the trial court ordered S.J. to serve six months on probation, with certain conditions regarding community service and driving privileges. S.J. now appeals.

### DISCUSSION AND DECISION

S.J. argues that the State failed to present evidence at the hearing that proved beyond a reasonable doubt that he was driving the Cadillac on July 8, 2006. Specifically, S.J. argues that Officer Mahoy “did not observe the driver and [S.J.’s] father, Richard Jacobs testified at the trial that he was the driver.” Appellant’s Br. p. 3.

When the State seeks to have a juvenile adjudicated a delinquent, it must prove every element of the offense beyond a reasonable doubt. C.T.S. v. State, 781 N.E.2d 1193, 1200-01 (Ind. Ct. App. 2003). We neither reweigh the evidence nor judge the credibility of witnesses, looking instead to the evidence and the reasonable inferences that may be drawn therefrom that support the true finding. Id. We will affirm the adjudication if evidence of probative value exists from which the factfinder could have found the juvenile guilty beyond a reasonable doubt. Id.

Here, the State was required to prove beyond a reasonable doubt that S.J. falsely represented himself as a law enforcement officer with the intent to mislead and induce

another person to submit to false official authority or otherwise act to the other person's detriment in reliance on the false representation. I.C. § 35-44-2-3. S.J. does not dispute that the actions Officer Mahoy observed on July 8, 2006, violated Indiana Code section 35-44-2-3; instead, he argues that the State presented insufficient evidence that he was driving the Cadillac at that time.

At the hearing, Don Meyer testified that in late June or early July 2006, S.J. came to his home in a green Cadillac to pick up Meyer's son and proudly demonstrated the vehicle's police scanner, flashing lights, and red light on the vehicle. Tr. p. 23-24. Jacobs, S.J.'s father, testified that S.J. had bought the car for himself. Id. at 41-42. On appeal, S.J. emphasizes that his father testified that he was driving the Cadillac with S.J. as a passenger at the time Officer Mahoy observed the vehicle. However, circumstantial evidence alone may support a delinquency finding, R.L.H. v. State, 738 N.E.2d 312, 316 (Ind. Ct. App. 2000), and S.J.'s argument is merely a request that we reweigh the evidence and judge the credibility of witnesses—a practice in which we do not engage when evaluating the sufficiency of the evidence. Therefore, we find that the evidence was sufficient to support the juvenile court's true finding of delinquency.

The judgment of the juvenile court is affirmed.

FRIEDLANDER, J., and CRONE, J., concur.